

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH RAND,

Case No. 20-cv-12173

Plaintiff,

U.S. DISTRICT COURT JUDGE

v.

GERSHWIN A. DRAIN

COMMISSIONER OF SOCIAL SECURITY,

UNITED STATES MAGISTRATE JUDGE

DAVID R. GRAND

Defendant.

_____/

**ORDER ACCEPTING AND ADOPTING REPORT AND
RECOMMENDATION [#15], GRANTING IN PART AND DENYING IN
PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT [#11]
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT [#13]
AND REMANDING TO THE COMMISSIONER FOR FURTHER
PROCEEDINGS PURSUANT TO THE FOURTH SENTENCE OF 42 U.S.C.
§ 405(g)**

Before the Court is United States Magistrate Judge David R. Grand's Report and Recommendation. ECF No. 15. The Report analyzes the parties' cross motions for summary judgment regarding the Commissioner's decision to deny Plaintiff social security disability benefits. ECF No. 15, PageID.636. Judge Grand recommends that this Court grant in part and deny in part Plaintiff's Motion, deny Defendant's Motion, and remand the case for further proceedings consistent with the Report. ECF No. 15, PageID.636–637. Neither party filed objections to the Report and the opportunity to file objections has passed. FED. R. CIV. P. 72(b)(2).

When no objections are timely filed, a district court reviews a magistrate judge's report and recommendation for clear error. FED. R. CIV. P. 72, advisory committee note ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court reviewed the Report and Recommendation and found no clear error.

Therefore, the Court ACCEPTS and ADOPTS Judge Grand's Report and Recommendation [#15], as this Court's findings of fact and conclusions of law.

Plaintiff's Motion for Summary Judgment [#11] is GRANTED IN PART and DENIED IN PART.

Defendant's Motion for Summary Judgment [#13] is DENIED.

This case is remanded to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

IT IS SO ORDERED.

Dated: September 28, 2021

/s/ Gershwin A. Drain
GERSHWIN A. DRAIN
U.S. DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on September 28, 2021, by electronic and/or ordinary mail.

/s/ Teresa McGovern
Case Manager